

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: BILL RAY NISSAN – REZONE FROM M-1A TO PCD

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Dori L. DeBord CONTACT: Ian Sikonia EXT. 7398

Agenda Date <u>2/13/07</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input checked="" type="checkbox"/>	Public Hearing – 7:00 <input type="checkbox"/>		

MOTION/RECOMMENDATION:

1. **APPROVE** a request and enact an ordinance to rezone 13± acres from M-1A (Very Light Industrial) to PCD (Planned Commercial Development), located on the north side of Hickman Circle, approximately 1.0 mile north of the intersection of Hickman Drive and SR 46, and approve the attached Preliminary Site Plan and Development Order and authorize the Chairman to execute the aforementioned documents, based on staff findings, (David Ray, applicant); or
2. **DENY** a request to rezone 13± acres from M-1A (Very Light Industrial) to PCD (Planned Commercial Development), and authorize the Chairman to execute the Denial Development Order, located on the north side of Hickman Circle, approximately 1.0 mile north of the intersection of Hickman Drive and SR 46, (David Ray, applicant); or
3. **CONTINUE** the public hearing until a time and date certain.

District 5 – Commissioner Carey

Ian Sikonia, Senior Planner

BACKGROUND:

The applicant is requesting to rezone 13 ± acres from M-1A (Very Light Industrial) to PCD (Planned Commercial Development), located 1.0 mile north of the intersection of Hickman Circle and SR 46. The Future Land Use Designation of the subject property is Industrial (IND), which allows for the requested zoning. The applicant is requesting Preliminary Site Plan approval for an automotive dealership consisting of three buildings. The proposed uses within the buildings will be for showrooms, automobile display, inventory areas, automobile services, parts, paint and body repair and administrative and sales offices. The square footage of the buildings will be 47,135 square feet, 27,150 square feet, and 20,000 square feet.

Reviewed by:	<u>KFT</u>
Co Atty:	_____
DFS:	_____
OTHER:	<u>AB</u>
DCM:	<u>AF</u>
CM:	<u>Coc</u>
File No.	<u>ph130pdp02</u>

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 13 ± acres from M-1A (Very Light Industrial) to PCD (Planned Commercial Development), located on the north side of Hickman Circle, approximately 1.0 mile north of the intersection of Hickman Drive and SR 46, and recommends approval of the attached Preliminary Site Plan, and Development Order, based on staff findings.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on January 10, 2007 and voted 7 to 0 to recommend APPROVAL of a request to rezone 13± acres from M-1A (Very Light Industrial) to PCD (Planned Commercial Development), located on the north side of Hickman Circle, approximately 1.0 mile north of the intersection of Hickman Drive and SR 46, and approval of the attached Preliminary Site Plan and Development Order, based on staff findings, adding a condition prohibiting the use of outdoor speaker sound amplification systems on-site.

Attachments:

- Staff Report
- Preliminary Site Plan and Proposed Signage Plan
- Sign Renderings
- Location Map
- Future Land Use and Zoning Map
- Aerial Map
- Approval Development Order
- Rezone Ordinance
- Denial Development Order (applicable if the request is denied)
- 1/10/07 Planning and Zoning Commission Meeting Minutes

Bill Ray Nissan – PCD Rezone

Rezone from M-1A to PCD

APPLICANT	David Ray	
PROPERTY OWNER	R & R Investments, LLC.	
REQUEST	Rezone from M-1A (Very Light Industrial) to PCD (Planned Commercial Development)	
PROPERTY SIZE	13 ± acres	
HEARING DATE (S)	P&Z: January 10, 2007	BCC: February 13, 2007
PARCEL ID	20-19-30-300-004A-0000 & 16-19-30-5AC-0000-048A	
LOCATION	Located on the north side of Hickman Circle, approximately 1.0 mile north of the intersection of Hickman Drive and SR 46.	
FUTURE LAND USE	IND (Industrial)	
ZONING	M-1A (Very Light Industrial)	
FILE NUMBER	Z2006-13	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing to construct three buildings and five signs on the property for an automotive dealership. The proposed uses within the buildings will be for showrooms, automobile display, inventory areas, automobile services, parts, paint and body repair and administrative and sales offices. The square footage of the buildings will be 47,135 square feet, 27,150 square feet, and 20,000 square feet.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following are the proposed zoning regulations and parking space requirements for the subject property:

- 35' building setback from I-4
- 25' building setback from other rights-of-way
- 10' building setback from all other abutting property lines

Maximum Building Height:

- 35'

Parking Requirements:

- 106 spaces provided for Building 1
- 63 spaces provided for Building 2
- 30 spaces provided for Building 3
- Minimum required for the site is 199 and the total provided on the site plan is 616

PERMITTED USES

The applicant is requesting that the permitted uses for the rezone application should be as follows:

Permitted uses shall be those uses permitted in M-1, M-1A and C-3 zoning district. Special Exception uses in those districts shall require Special Exception approval from the Board of Adjustment. The following uses are prohibited: laundry and dry-cleaning plants, lumber yards, truck terminals, animal shelters, borrow operations, contractor's equipment storage yards, wholesale meat and produce distribution with meat cutting and butchering, billboards, multi-family housing, greenhouses, flea markets.

Staff feels that the proposed permitted and prohibited uses meet the intention of the PCD zoning district and appeal to the intent of the I-4 corridor and the Industrial Land Use designation on the property.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The area surrounding Hickman Road has been designated for industrial uses. The proposed auto dealership will be a compatible use consistent with the Industrial Future Land Use on the property. The subject property is surrounded on all sides, except the north (I-4), by the Industrial Future Land Use designations and Industrial zoning districts. Automotive Dealerships have been traditionally developed near highway frontage due to the visibility, accessibility, and availability of larger tracts of land for industrial type uses, such as mechanical garages and auto body repair. The Nissan dealership will be consistent with the trend of development in the area, due to the Chevy, Ford, and Harley-Davidson dealerships which have been located adjacent to the I-4 corridor near SR 46.

SIGNAGE

The applicant is proposing a signage plan with a total of five signs for the Nissan dealership. Three of the signs are located in the landscape buffer adjacent to I-4 and range in height from 30' 11" to 37' 5". Section 30.1243 of the Land Development Code states, "The maximum height of the entire ground/pole sign structure shall be 15' above the elevation of the crown of the road." The three signs proposed along I-4 exceed the height standards of the Land Development Code and require sign height variances from the Board of Adjustment, in order to be taller than 15'. To address the signage issue, staff is recommending the following condition of approval contained in the attached development order:

All proposed signs must meet the signage regulations of Section 30.1244 of the Land Development Code, unless granted height variances from the Board of Adjustment. If variances are requested and approved, the maximum height of the signs may not exceed 37' 5".

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on FIRM map 12117C0030 E, with an effective date of April 17, 1995, there appears to be no 100 year floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be approximately two acres of wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there may be endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS:

Rule 9J-5.0055(3)(c)1-2, Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time and is required to undergo Concurrency Review prior to final engineering approval.

Utilities:

The site is located in the Northwest Seminole County utility service area, and will be required to connect to public utilities. There is a 12-inch water main that runs through the east side of the property and a 10-inch force main at the proposed cul-de-sac. The subject property is in the ten year master plan for reclaimed water. An alternative source for irrigation water, such as a shallow well, will be required until reclaimed water becomes available.

Transportation / Traffic:

The applicant proposes access onto Hickman Circle, which is classified as a local industrial subdivision road. Hickman Circle is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

School Impacts:

The proposed development will not generate any school impacts.

Drainage:

The proposed project is located within the Lake Monroe Drainage Basin, and has limited downstream capacity. At a minimum, the site will have to be designed to hold the water quality treatment volume (pollution abatement volume) onsite and may be required to hold additional volume due to the limited functionality of the master stormwater system serving this site. A detailed drainage analysis, including outfall condition analysis, will be required at final engineering.

Parks, Recreation and Open Space:

A minimum of 25% open space is required per Section 30.468 of the Land Development Code. The applicant is proposing to have 158,645 square feet of open space which is 29% of the property.

Buffers and Sidewalks:

The following landscape buffer requirements contained in the attached Approval Development Order will apply:

I-4 frontage buffer shall be as follows:

- The landscape buffer shall be a minimum of 15 feet.
- There shall be a 3-foot hedge, 2 canopy trees, and 2 understory trees per 100 linear feet.
- Trees shall be allowed to be grouped together to provide automobile display visibility opportunity along I-4.

Perimeter of property excluding I-4 frontage shall be as follows:

- The landscape buffer shall be a minimum of 10 feet.
- There shall be a 3 foot hedge and 3 canopy trees per 100 linear feet.

Staff has reviewed the above stated landscape buffers and have determined that the conditions would be acceptable since active-passive buffers do not apply to this site. The proposed landscape buffers are not as stringent as the active-passive buffers requirements, however they will still sufficiently buffer the site from the adjacent industrial zoning districts and I-4. Sidewalks will not be required along Hickman Circle, because no other lots within the surrounding industrial park have been required to build sidewalks.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS:

The subject property is not located within any special districts.

COMPREHENSIVE PLAN (VISION 2020):

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

- Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were not sent; the subject property is not within or directly adjacent to any local municipality and will not impact schools.

LETTERS OF SUPPORT OR OPPOSITION:

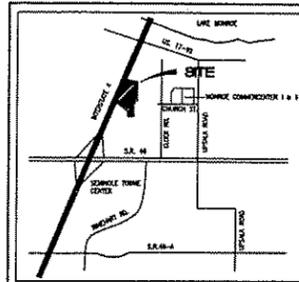
At this time, Staff has not received any letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 13 ± acres from M-1A (Very Light Industrial) to PCD (Planned Commercial Development), located on the north side of Hickman Circle, approximately 1.0 mile north of the intersection of Hickman Drive and SR 46, and recommends approval of the attached Preliminary Site Plan, and Development Order, based on staff findings.

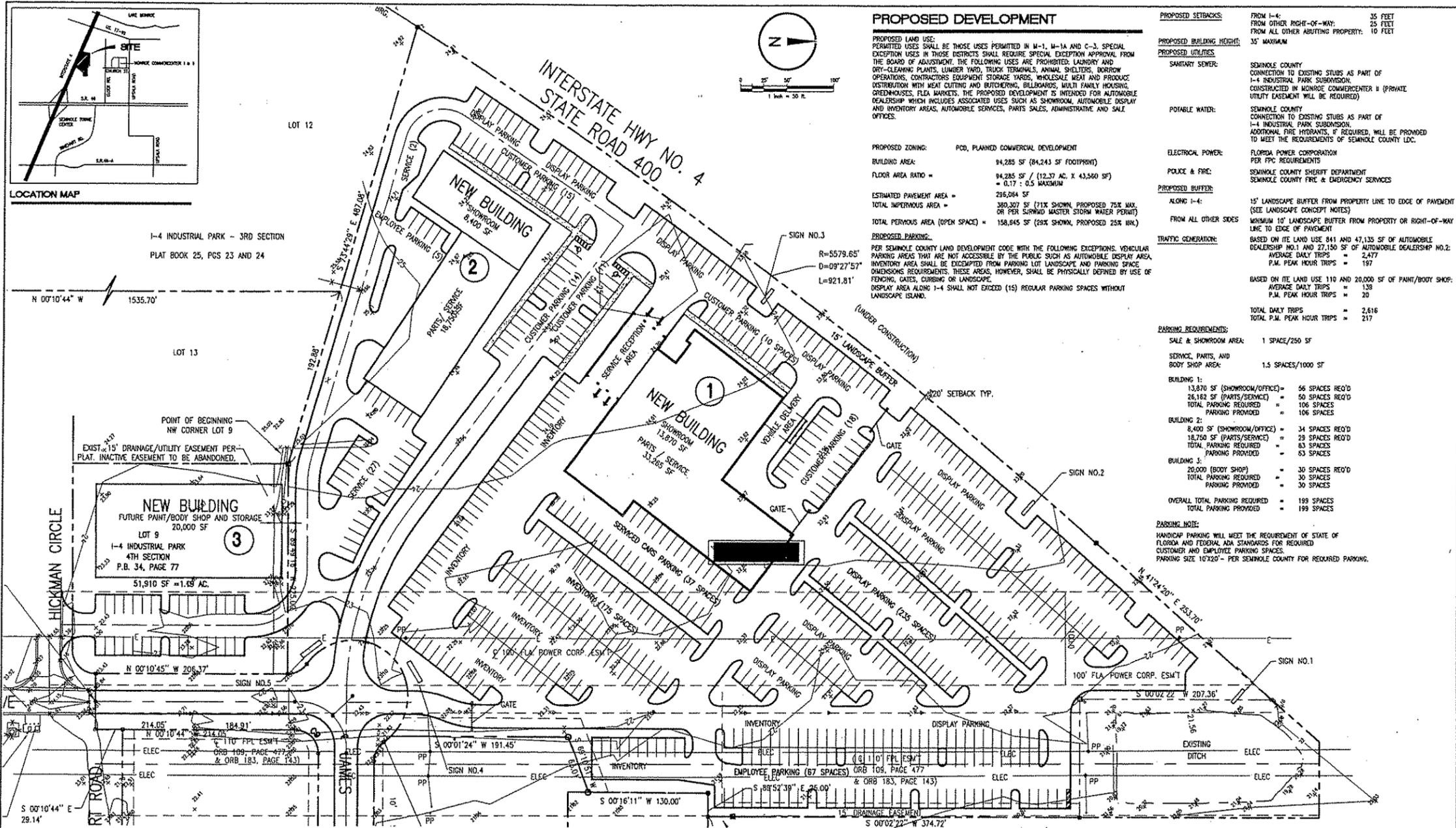
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LOCATION MAP

I-4 INDUSTRIAL PARK - 3RD SECTION
PLAT BOOK 25, PGS 23 AND 24



TAX PARCEL I.D. NO.: 20-19-30-300-0044-0000
DEVELOPMENT INFORMATION
LAND OWNER: R&R INVESTMENTS, LLC, MR. DAVID RAY
2724 N. US 17-92
LONGWOOD, FLORIDA 32750
PH. 407-831-1318
DEVELOPER: BILL RAY HISSAN, MR. DAVID RAY
2724 N. US 17-92
LONGWOOD, FLORIDA 32750
PH. 407-831-1318
PLANNERS/ENGINEERS: SK CONSORTIUM, INC., MR. CAS SAMPSON
1053 N. ORLANDO AVE., WATLAND, FL 32751
PHONE (407) 629-4288
SURVEYOR: KATHER SURVEYING, MR. BLAIR KATHER
2597 SANDFORD AVE., SANDFORD, FL 32772
PH. 407-322-2000

EXISTING SITE DATA
TOTAL SITE AREA: 12.57 ACRES (539,080 SF)
EXISTING LAND USE: VACANT
EXISTING ZONING: M-1, INDUSTRIAL
SURROUNDING LAND USE:
NORTH: INTERSTATE 4
EAST: FLOOD DETENTION POND, I-4 INDUSTRIAL PARK STORMWATER POND, LOT 5 AND JAMES WESLEY LN.
SOUTH: INTERSTATE 4
WEST: LOT 13 OF INDUSTRIAL PARK AND HICKMAN CIRCLE
SURROUNDING ZONING:
NORTH: M-1, INDUSTRIAL
EAST: M-1, INDUSTRIAL
SOUTH: M-1, INDUSTRIAL
WEST: M-1, INDUSTRIAL
FUTURE LAND USE DESIGNATION: INDUSTRIAL
EXISTING SOILS: PER SOIL SURVEY OF SEMINOLE COUNTY, FLORIDA - USDA SOIL CONSERVATION SERVICE, EXISTING SOIL AN ENTIRE SITE IS DUGALLIE.

EXISTING DRAINAGE PATTERN
THE SITE IS RELATIVELY FLAT AND SLOPES TOWARD THE EAST. GROUND COVER CONSISTS OF OPEN FIELDS, SCATTERED TREES. THE HIGHEST ELEVATION IS APPROXIMATELY 25' AND THE LOWEST IS APPROXIMATELY 20'. THE ENTIRE PROPERTY IS ZONED "C", ACCORDING TO FLOOD INSURANCE MAP PANEL NUMBER 12117C0303E, MAP DATE APRIL 17, 1995.
THE ENTIRE SITE IS LOCATED WITHIN I-4 INDUSTRIAL PARK STORMWATER RUNOFF GENERATED BY NEW DEVELOPMENT WILL BE HANDLED OFF-SITE AS PART OF A MASTER STORMWATER MANAGEMENT SYSTEM.
PROJECT SIGNS
THREE MONUMENT SIGNS SHALL BE ALLOWED ALONG I-4 FOR THE PROPOSED AUTOMOBILE DEALERSHIP. SIGNS NO. 1, 2, AND 3, SHALL BE COMPATIBLE AND SIMILAR TO EXISTING SIGNS AT THE CURRENT BILL RAY HISSAN DEALERSHIP FACILITY ON US-17-92 (THESE SIGNS INCLUDE MAIN BRAND SIGN, PRE-OWNED VEHICLE SIGN, AND TRUCK SIGN). APPROXIMATE SIGN DIMENSIONS SHALL BE PER ATTACHED CUT SHEETS. SIGNS NO. 4 & 5 WILL BE PROJECT IDENTIFICATION/GROUND MOUNTED SIGNS. BUILDING WALL SIGN SHALL BE IN ACCORDANCE WITH SEMINOLE CO. LDC. BASIC SIGN DIMENSIONS CAN BE SUMMARIZED AS FOLLOWS:
1) PROPOSED SIGN NO. 1 & 2: 100 SF NOMINAL, 30" H, 11"-2" WIDE X 2'-0" DEEP
2) PROPOSED SIGN NO. 3: 150 SF NOMINAL, 37"-5" H, 13'-4" WIDE X 2'-4" DEEP
3) PROPOSED SIGN NOS. 4 & 5: 36 SF NOMINAL, 7'-0" H, 6'-9" WIDE X 1'-2" DEEP.

LEGAL DESCRIPTION
LOT 9, I-4 INDUSTRIAL PARK 4TH SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34, PAGE 77, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND ALSO BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 9, THENCE RUN N27°44'28"W ALONG THE NORTH LINE OF LOTS 13 AND 12, I-4 INDUSTRIAL PARK - 3RD SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 25, PAGES 23 AND 24, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, A DISTANCE OF 487.06 FEET TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF STATE ROAD 400, SAID POINT BEING ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 5579.65 FEET AND A TANGENT BEARING OF N31°55'22"E AT SAID POINT; THENCE RUN NORTHEASTERLY, ALONG SAID EASTERN RIGHT-OF-WAY LINE ALONG THE ARC OF SAID CURVE, 921.81 FEET THROUGH A CENTRAL ANGLE OF 02°22'57" TO THE POINT OF TANGENCY; THENCE RUN N41°24'20"E, CONTINUING ALONG SAID EASTERN RIGHT-OF-WAY LINE, 322.10 FEET; THENCE RUN S89°52'45"E, 81.23 FEET; THENCE RUN S00°02'22"E, 633.30 FEET; THENCE RUN S00°04'20"E, 27.00 FEET; THENCE RUN N89°52'39"W, 25.00 FEET; THENCE RUN S00°16'11"W, 130.00 FEET; THENCE RUN S89°10'51"W, 63.01 FEET; THENCE RUN S00°01'24"W, 191.45 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 60.00 FEET AND A TANGENT BEARING OF N44°11'02"W AT SAID POINT; THENCE RUN NORTHEASTERLY, SOUTHEASTERLY, AND SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, 193.93 FEET THROUGH A CENTRAL ANGLE OF 19°05'27" TO THE POINT OF RESERVE CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, 23.99 FEET THROUGH A CENTRAL ANGLE OF 54°58'44" TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE RUN S89°49'16"W, 225.00 FEET TO THE POINT OF BEGINNING.

LANDSCAPE CONCEPT
LANDSCAPE SHALL BE INSTALLED PER SEMINOLE COUNTY LAND DEVELOPMENT CODE FOR REQUIRED BUFFER AND REQUIRED PARKING AREAS.
3' HEDGE AND 3 CANOPY TREES PER 100 LINEAR FEET WITHIN 10' WIDE AREA AROUND THE PERIMETER OF THE PROPERTY SHALL BE PROVIDED WITH THE EXCEPTION OF LANDSCAPE BUFFER ALONG I-4 FRONTAGE.
I-4 FRONTAGE BUFFER SHALL BE AS FOLLOWS:
-3' HEDGE, 2 CANOPY TREES, AND 2 UNDERSTORY TREES PER 100 LINEAR FEET
-BUFFER WIDTH SHALL BE INCREASED TO 15'
-TREES SHALL BE ALLOWED TO GROUP TOGETHER TO PROVIDE DISPLAY OPPORTUNITY ALONG I-4
ALL INSTALLED LANDSCAPE MATERIAL SHALL MEET OR EXCEED THE MINIMUM SIZE REQUIREMENT OF SEMINOLE COUNTY LDC.
LIGHTING CONCEPT
EXTERIOR LIGHTING FIXTURES, MOUNTING HEIGHT, AND ILLUMINATION SHALL BE INSTALLED BASED ON THE ATTACHED PHOTOMETRIC PLAN. THE PHOTOMETRIC LIGHTING PLAN DATED 7/6/06 SHALL BE INCLUDED AS PART OF THIS PCD.

PROPOSED DEVELOPMENT

PROPOSED LAND USE:
PERMITTED USES SHALL BE THOSE USES PERMITTED IN M-1, M-1A AND C-3. SPECIAL EXCEPTION USES IN THOSE DISTRICTS SHALL REQUIRE SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ADJUSTMENT. THE FOLLOWING USES ARE PROHIBITED: LAUNDRY AND DRY-CLEANING PLANTS, LUMBER YARD, TRUCK TERMINALS, ANIMAL SHELTERS, BARRACK OPERATIONS, CONTRACTORS EQUIPMENT STORAGE YARDS, WHOLESALE MEAT AND PRODUCE DISTRIBUTION WITH MEAT CUTTING AND BUTCHERING, BILLIARDS, MULTI FAMILY HOUSING, GROOMING SALONS, FLEA MARKETS. THE PROPOSED DEVELOPMENT IS INTENDED FOR AUTOMOBILE DEALERSHIP WHICH INCLUDES ASSOCIATED USES SUCH AS SHOWROOM, AUTOMOBILE DISPLAY AND INVENTORY AREAS, AUTOMOBILE SERVICES, PARTS SALES, ADMINISTRATIVE AND SALE OFFICES.

PROPOSED ZONING: PCD, PLANNED COMMERCIAL DEVELOPMENT
BUILDING AREA: 84,285 SF (84,243 SF FOOTPRINT)
FLOOR AREA RATIO = 84,285 SF / (12.57 AC. X 43,560 SF) = 0.17 : 0.5 MAXIMUM
ESTIMATED PAVEMENT AREA = 296,064 SF
TOTAL IMPERVIOUS AREA = 380,207 SF (71% SHOWROOM PROPOSED 75% MAX. 2% PER SURFACE WATER STORM WATER PERMIT)
TOTAL PERVIOUS AREA (OPEN SPACE) = 158,845 SF (29% SHOWROOM PROPOSED 25% MIN.)

PROPOSED PARKING:
PER SEMINOLE COUNTY LAND DEVELOPMENT CODE WITH THE FOLLOWING EXCEPTIONS: VEHICULAR PARKING AREAS THAT ARE NOT ACCESSIBLE BY THE PUBLIC SUCH AS AUTOMOBILE DISPLAY AREA, INVENTORY AREA SHALL BE EXCLUDED FROM PARKING LOT LANDSCAPE AND PARKING SPACE DIMENSIONS REQUIREMENTS. THESE AREAS, HOWEVER, SHALL BE PHYSICALLY DEFINED BY USE OF FENCING, GATES, CURBING OR LANDSCAPE. DISPLAY AREA ALONG I-4 SHALL NOT EXCEED (15) REGULAR PARKING SPACES WITHOUT LANDSCAPE ISLAND.

PROPOSED SETBACKS:
FROM I-4: 35 FEET
FROM OTHER RIGHT-OF-WAY: 25 FEET
FROM ALL OTHER ADJUTING PROPERTY: 10 FEET
35' MAXIMUM

PROPOSED BUILDING HEIGHT: 35' MAXIMUM
PROPOSED UTILITIES:
SANITARY SEWER: SEMINOLE COUNTY CONNECTION TO EXISTING STUBS AS PART OF I-4 INDUSTRIAL PARK SUBDIVISION. CONSTRUCTED IN ACCORDANCE WITH I-4 (PRIVATE UTILITY EASEMENT WILL BE REQUIRED)

POTABLE WATER: SEMINOLE COUNTY CONNECTION TO EXISTING STUBS AS PART OF I-4 INDUSTRIAL PARK SUBDIVISION. ADDITIONAL FIRE HYDRANTS, IF REQUIRED, WILL BE PROVIDED TO MEET THE REQUIREMENTS OF SEMINOLE COUNTY LDC.

ELECTRICAL POWER: FLORIDA POWER CORPORATION PER FPC REQUIREMENTS
POLICE & FIRE: SEMINOLE COUNTY EMERGENCY DEPARTMENT SEMINOLE COUNTY FIRE & EMERGENCY SERVICES

PROPOSED BUFFER:
ALONG I-4: 15' LANDSCAPE BUFFER FROM PROPERTY LINE TO EDGE OF PAVEMENT (SEE LANDSCAPE CONCEPT NOTES)
FROM ALL OTHER SIDES: MINIMUM 10' LANDSCAPE BUFFER FROM PROPERTY OR RIGHT-OF-WAY LINE TO EDGE OF PAVEMENT

TRAFFIC GENERATION:
BASED ON ITC LAND USE 841 AND 47,135 SF OF AUTOMOBILE DEALERSHIP NO.1 AND 27,150 SF OF AUTOMOBILE DEALERSHIP NO.2:
AVERAGE DAILY TRIPS = 2,477
P.M. PEAK HOUR TRIPS = 197
BASED ON ITC LAND USE 110 AND 20,000 SF OF PAINT/BODY SHOP:
AVERAGE DAILY TRIPS = 138
P.M. PEAK HOUR TRIPS = 29
TOTAL DAILY TRIPS = 2,616
TOTAL P.M. PEAK HOUR TRIPS = 217

PARKING REQUIREMENTS:
SALE & SHOWROOM AREA: 1 SPACE/250 SF
SERVICE, PARTS, AND BODY SHOP AREA: 1.5 SPACES/1000 SF

BUILDING 1:
13,870 SF (SHOWROOM/OFFICE) = 56 SPACES REQ'D
26,182 SF (PARTS/SERVICE) = 50 SPACES REQ'D
TOTAL PARKING REQUIRED = 106 SPACES
PARKING PROVIDED = 106 SPACES
BUILDING 2:
8,400 SF (SHOWROOM/OFFICE) = 34 SPACES REQ'D
18,750 SF (PARTS/SERVICE) = 23 SPACES REQ'D
TOTAL PARKING REQUIRED = 57 SPACES
PARKING PROVIDED = 53 SPACES
BUILDING 3:
20,000 (BODY SHOP) = 30 SPACES REQ'D
TOTAL PARKING REQUIRED = 30 SPACES
PARKING PROVIDED = 30 SPACES
OVERALL TOTAL PARKING REQUIRED = 199 SPACES
TOTAL PARKING PROVIDED = 199 SPACES

PARKING NOTE:
HANDICAP PARKING WILL MEET THE REQUIREMENT OF STATE OF FLORIDA AND FEDERAL ADA STANDARDS FOR REQUIRED CUSTOMER AND EMPLOYEE PARKING SPACES.
PARKING SIZE 10'X20' - PER SEMINOLE COUNTY FOR REQUIRED PARKING.

URBAN DESIGN PLANNING ENGINEERING
SK Consortium, Inc.
1053 N. ORLANDO AVE. SUITE 100 • WATLAND • FLORIDA 32751
TELEPHONE: 407-629-4288 • FACSIMILE: 407-629-1658 • E-MAIL: 7080

Scale: Aside Koloschki P.E. 41246

PCD SITE PLAN
BILL RAY NISSAN I-4 INDUSTRIAL
BILL RAY NISSAN
SEMINOLE COUNTY

I-26-06 PCD SUBDIVISION
E-26-06 REVISED PER DCD
12-20-06 REVISED SIGN/ LUS

Issue Date and Purpose
Project Number: 0569
Name of Client: PCD 1

The pylon is the main identification Sign of the Site and should be positioned on the primary approach for clear visibility to the main entrance.

A second pylon can be added if there is a secondary approach. Pylons are not to be used for Dealer Names, directional information or advertising.

The red accent bands and legs are formed pigmented red polycarbonate. These accent elements are internally illuminated with fluorescent lamps.

are as shown. Signs are typically installed to flag toward the principal frontage street. Installation is accomplished by the use of anchor bolts encased in a concrete foundation.

Sign base height and style vary depending on size of Sign and local ordinance restrictions. Standard overall heights

Basic Dimensions

1. Freeway Sign
200 sq. ft.
50' plus ht.
15' 9" wide x 2' 7" deep

4. Pylon
100 sq. ft. nominal
30' 11" ht.
11' 2" wide x 2' 0" deep

7. Pylon
36 sq. ft. nominal
18' 10" ht.
6' 9" wide x 1' 2" deep

10. Monument
36 sq. ft. nominal
7' 0" ht.
6' 9" wide x 1' 2" deep

2. Pole Mounted Pylon
150 sq. ft. nominal
37' 5" ht.
13' 6" wide x 2' 4" deep

5. Pylon
75 sq. ft. nominal
26' 2" ht.
9' 9" wide x 2' 0" deep

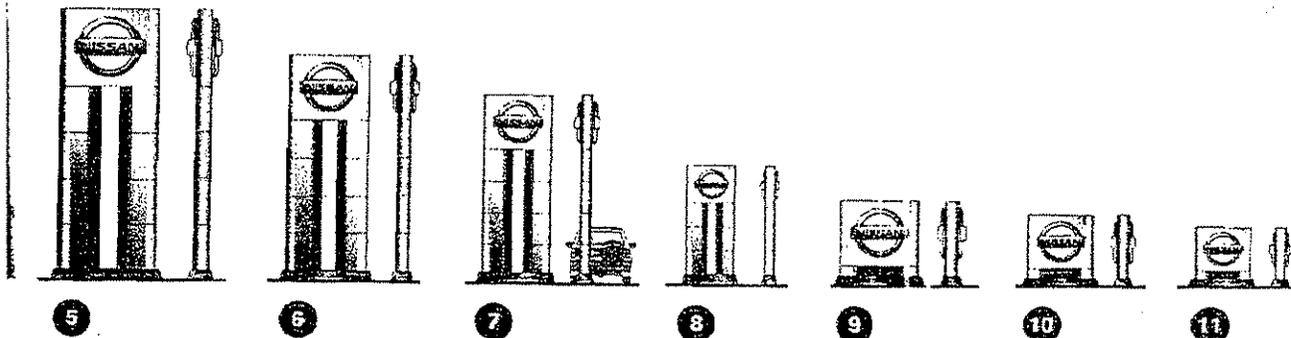
8. Pylon
18 sq. ft. nominal
12' 0" ht.
4' 9" wide x 1' 0" deep

11. Monument
25 sq. ft. nominal
6' 0" ht.
5' 7" wide x 1' 0" deep

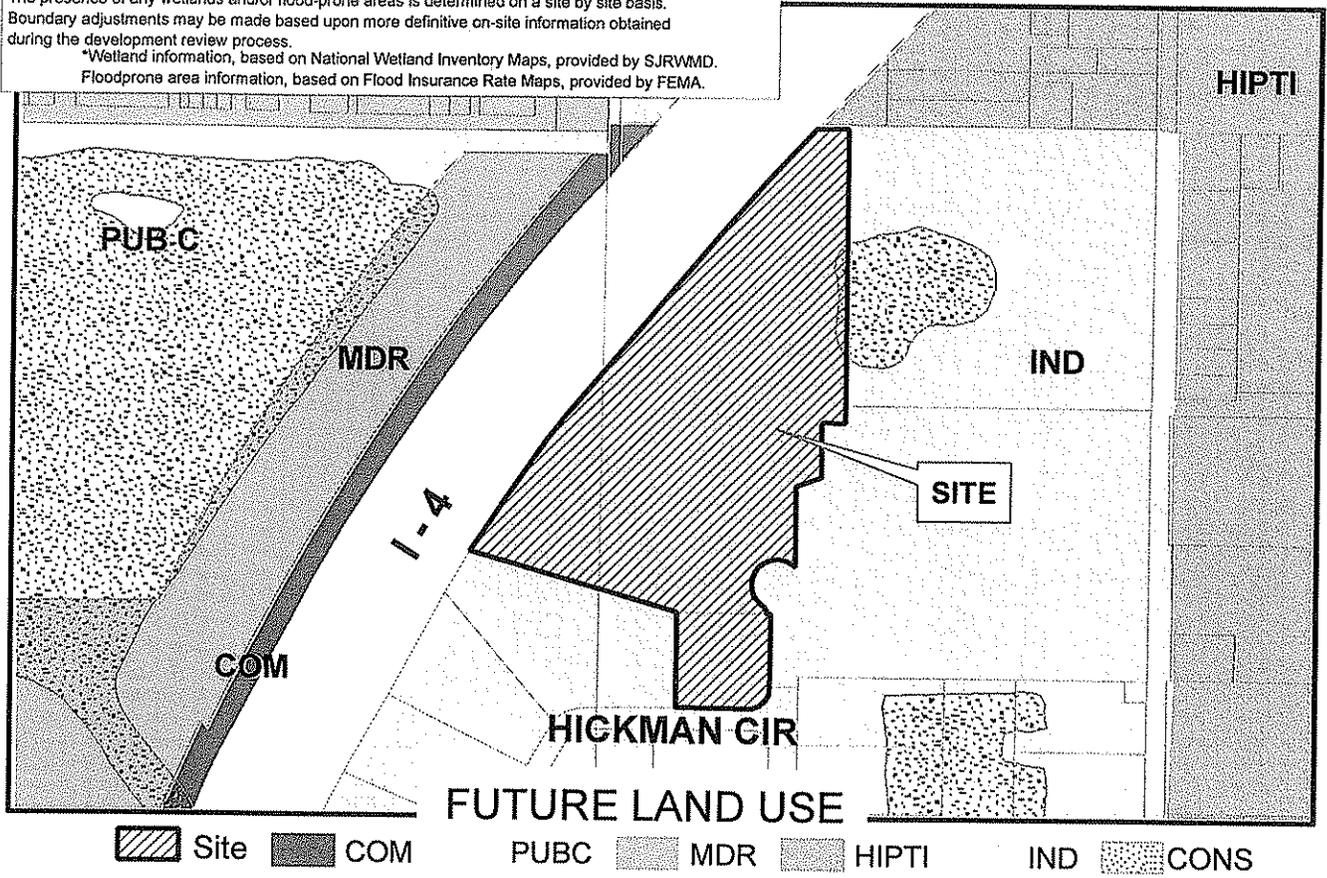
3. Pylon
150 sq. ft. nominal
37' 5" ht.
13' 6" wide x 2' 4" deep

6. Pylon
50 sq. ft. nominal
22' 6" ht.
8' 0" wide x 1' 6" deep

9. Monument
50 sq. ft. nominal
8' 3" ht.
8' 0" wide x 1' 6" deep



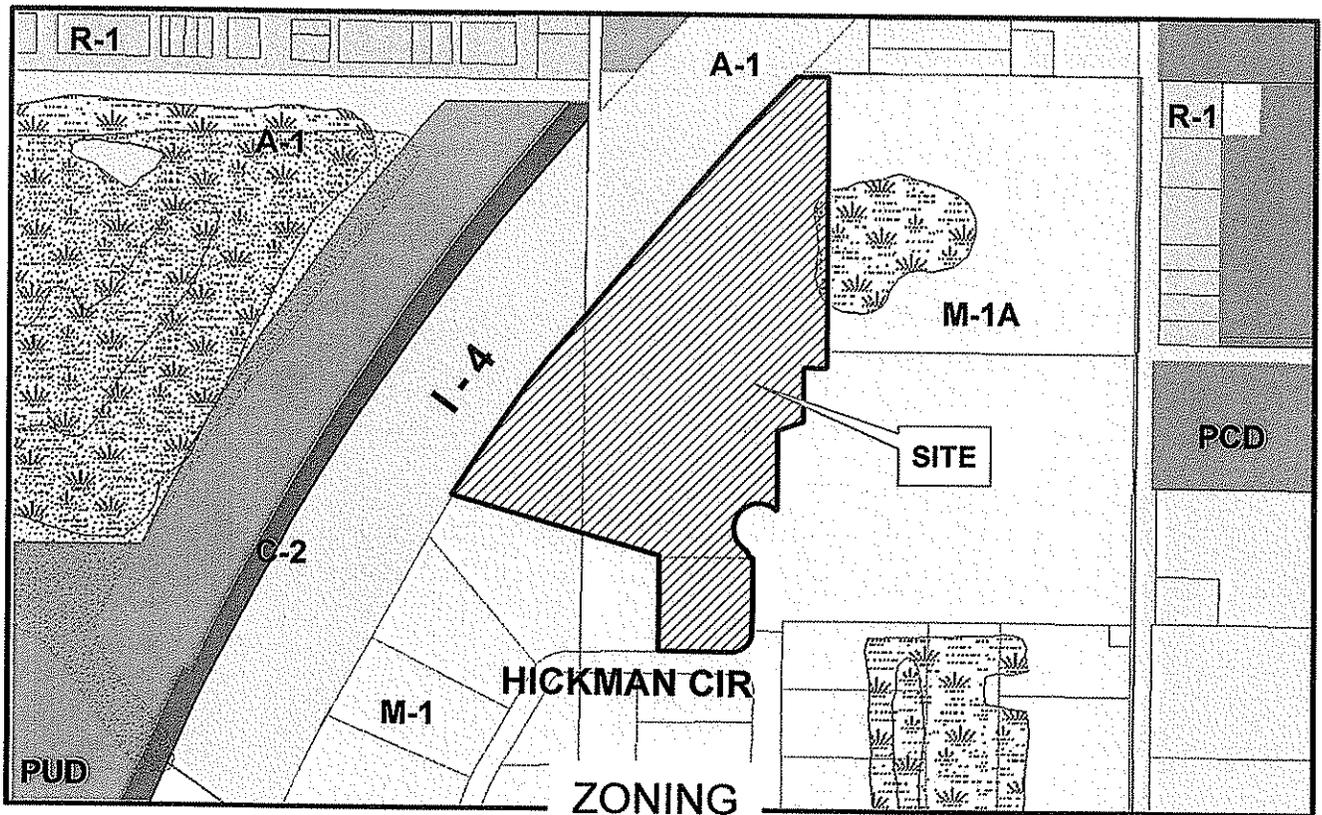
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site
 COM
 PUBC
 MDR
 HIPTI
 IND
 CONS

Applicant: David Ray/Bill Ray Nissan
 Physical STR: 20-19-30-300-004A-0000 & 16-19-30-5AC-0000-048A(part)
 Gross Acres: 13 +/- BCC District: 5
 Existing Use: Vacant Industrial
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-013	M-1A	PCD



A-1
 R-1
 PUD
 C-2
 M-1
 M-1A
 FP-1
 W-1
 PCD



Rezoning No: Z2006-013
From: M-1A To: PCD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On February 13, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Exhibit A

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: R & R Investments, LLC.

Project Name: Bill Ray Nissan

Requested Development Approval: Rezoning from M-1A (Very Light Industrial) to PCD (Planned Commercial Development)

The Development Approval sought is consistent with the Seminole County Vision 2020 Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Ian Sikonia
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. The development shall comply with the site plan attached as Exhibit B.
 - b. Total floor area shall be limited to no more than 94,285 square feet.
 - c. Permitted uses shall be those uses permitted in M-1, M-1A and C-3 zoning district. Special Exception uses in those districts shall require Special Exception approval from the Board of Adjustment. The following uses are prohibited: laundry and dry-cleaning plants, lumber yards, truck terminals, animal shelters, borrow operations, contractor's equipment storage yards, wholesale meat and produce distribution with meat cutting and butchering, billboards, multi-family housing, greenhouses, flea markets.
 - d. The proposed building setbacks are listed below:
 - 35 feet from I-4.
 - 25 feet from other Rights-of-Way.
 - 10 feet from all other abutting property lines.
 - e. There shall be a minimum of 199 parking spaces provided on site.
 - f. I-4 frontage buffer shall be as follows:
 - The landscape buffer shall be a minimum of 15 feet.
 - There shall be a 3 foot hedge, 2 canopy trees, and 2 understory trees per 100 linear feet.
 - Trees shall be allowed to be grouped together to provide automobile display visibility opportunity along I-4.
 - g. Perimeter of property excluding I-4 frontage shall be as follows:
 - The landscape buffer shall be a minimum of 10 feet.
 - There shall be a 3 foot hedge and 3 canopy trees per 100 linear feet.
 - h. All proposed signs must meet the signage regulations of Section 30.1244 of the Land Development Code, unless granted height variances from the Board of Adjustment. If variances are requested and approved, the maximum height of the signs may not exceed 37' 5".
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon

said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

(6) This Development Order shall control in the event of any conflict between the terms and conditions of the development order and the terms, conditions, or notes of any site plan or master site plan.

Done and Ordered on the date first written above.

By: _____
Carlton D. Henley
Chairman
Board of County Commissioners

Exhibit A

SKETCH OF DESCRIPTION
FOR
SPACEPORT, U.S.A.

Legal Description

Lot 9, I-4 INDUSTRIAL PARK - 4TH SECTION, according to the plat thereof as recorded in Plat Book 34, Page 77, of the Public Records of Seminole County, Florida, AND ALSO, BEGINNING at the Northwest Corner of said Lot 9, thence run N.73°44'29"W., along the North Line of Lots 13 and 12, I-4 INDUSTRIAL PARK - 3RD SECTION, according to the plat thereof as recorded in Plat Book 25, Pages 23 and 24, of the Public Records of Seminole County, Florida, a distance of 487.08 feet to a point on the Easterly Right-of-way Line of State Road 400, said point being on a curve concave Southeasterly, having a radius of 5579.65 feet and a tangent bearing of N.31°56'23"E. at said point; thence run Northeasterly, along said Easterly Right-of-way Line and along the arc of said curve, 921.81 feet through a central angle of 09°27'57" to the Point of tangency; thence run N.41°24'20"E., continuing along said Easterly Right-of-way Line, 322.10 feet; thence run S.89°52'45"E. 81.23 feet; thence run S.00°02'22"E. 633.30 feet; thence run S.00°04'25"E. 27.00 feet; thence run N.89°52'39"W. 25.00 feet; thence run S.00°16'11"W. 130.00 feet; thence run S.69°10'51"W. 63.01 feet; thence run S.00°01'24"W. 191.45 feet to a point on a curve concave Southeasterly, having a radius of 60.00 feet and a tangent bearing of N.44°11'02"W. at said point; thence run Northwesterly, Southwesterly, and Southeasterly, along the arc of said curve, 199.99 feet through a central angle of 190°58'27" to the Point of Reverse Curvature of a curve concave Southwesterly and having a radius of 25.00 feet; thence run Southeasterly, along the arc of said curve, 23.99 feet to the Northeast Corner of said Lot 9; thence run S.89°49'16"W. 225.00 feet to the Point of Beginning. Said parcel contains 13.0997 acres, more or less.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE M-1A (VERY LIGHT INDUSTRIAL) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Bill Ray Nissan PCD Rezone."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from M-1A (Very Light Industrial) to PCD (Planned Commercial Development):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order #06-20500003 in the Official Land Records of Seminole County.

ENACTED this 13th day of February 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

**EXHIBIT A
LEGAL DESCRIPTION****SKETCH OF DESCRIPTION
FOR
SPACEPORT, U.S.A.
Legal Description**

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SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 13, 2007, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner: R & R Investments, LLC.

Project Name: Bill Ray Nissan

Requested Development Approval: Rezoning from M-1A (Very Light Industrial) to PCD (Planned Commercial Development)

The Board of County Commissioners has determined that the request for rezoning from M-1A (Very Light Industrial) to PCD (Planned Commercial Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Bill Ray Nissan PCD Rezone" and all evidence submitted at the public hearing on February 13, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS**

By: _____
Carlton D. Henley, Chairman

EXHIBIT ASKETCH OF DESCRIPTION
FOR
SPACEPORT, U.S.A.

Legal Description

Lot 9, I-4 INDUSTRIAL PARK - 4TH SECTION, according to the plat thereof as recorded in Plat Book 34, Page 77, of the Public Records of Seminole County, Florida, AND ALSO, BEGINNING at the Northwest Corner of said Lot 9, thence run N.73°44'29"W., along the North Line of Lots 13 and 12, I-4 INDUSTRIAL PARK - 3RD SECTION, according to the plat thereof as recorded in Plat Book 25, Pages 23 and 24, of the Public Records of Seminole County, Florida, a distance of 487.08 feet to a point on the Easterly Right-of-way Line of State Road 400, said point being on a curve concave Southeasterly, having a radius of 5579.65 feet and a tangent bearing of N.31°56'23"E. at said point; thence run Northeasterly, along said Easterly Right-of-way Line and along the arc of said curve, 921.81 feet through a central angle of 09°27'57" to the Point of tangency; thence run N.41°24'20"E., continuing along said Easterly Right-of-way Line, 322.10 feet; thence run S.89°52'45"E. 81.23 feet; thence run S.00°02'22"E. 633.30 feet; thence run S.00°04'25"E. 27.00 feet; thence run N.89°52'39"W. 25.00 feet; thence run S.00°16'11"W. 130.00 feet; thence run S.69°10'51"W. 63.01 feet; thence run S.00°01'24"W. 191.45 feet to a point on a curve concave Southeasterly, having a radius of 60.00 feet and a tangent bearing of N.44°11'02"W. at said point; thence run Northwesterly, Southwesterly, and Southeasterly, along the arc of said curve, 199.99 feet through a central angle of 190°58'27" to the Point of Reverse Curvature of a curve concave Southwesterly and having a radius of 25.00 feet; thence run Southeasterly, along the arc of said curve, 23.99 feet to the Northeast Corner of said Lot 9; thence run S.89°49'16"W. 225.00 feet to the Point of Beginning. Said parcel contains 13.0997 acres, more or less.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
WEDNESDAY, JANUARY 10, 2007**

MEMBERS PRESENT: Kim Day, Jason Brodeur, Matt Brown, Ben Tucker, Walt Eismann, Rob Wolf, and Dudley Bates.

ALSO PRESENT: April Boswell, Planning Manager; Kathleen Furey – Tran, Esq., Assistant County Attorney; Tina Williamson, Interim Assistant Planning Manager; Ian Sikonia, Senior Planner, Dr. Kelly Brock, Senior Engineer; Brian Walker, Planner; and Candace Lindlaw-Hudson, Clerk to the Commission.

Bill Ray Nissan PCD Rezone; David Ray, applicant; 13 ± acres; Rezone from M-1A (Very Light Industrial) to PCD (Planned Commercial Development); located on the north side of Hickman Circle, approximately 1 mile north of the intersection of Hickman Drive and SR 46. (Z2006-13)

Commissioner Carey – District 5
Ian Sikonia, Senior Planner

Ian Sikonia introduced the application for a Planned Commercial Development for a car dealership. The applicant proposes to have three buildings which will comprise no more than 94,285 square feet. The buildings will be for show rooms, automotive display, inventory area, automobile services, parts, paint and body repair, and administrative sales offices. There will be a minimum of 199 parking spaces for the property. The site plan shows over 600 spaces. The site plan shows a 15-foot buffer adjacent to I-4 and a 10-foot buffer around the perimeter of the property consisting of canopy trees and hedges.

Mr. Sikonia stated that the applicant is proposing 5 signs for this dealership. They are proposing 3 of the signs in the buffer along I-4. The applicant has stated that they will be applying for variances pertaining to those signs. Staff has structured a development order so that the applicant can apply for a height variance up to a height of 37'5" for the three signs along I-4. Other site plan issues will be addressed at the time of PCD Final Site Plan approval. Staff recommendation is for approval of the requests.

Commissioner Brodeur asked about the power lines present on the site. Would they have to obtain waivers similar to the ones in the previous presentation?

Mr. Sikonia said that there was a 100-foot easement on the east side of the property. Some sort of approval would have to be obtained from the power company.

Cas Suvongse of SK Engineering said that he had no formal presentation and he would answer questions.

David Ray expressed his appreciation to the staff for all of their work. He would like to address a concern about the signs. He would like to use the signs that he has now on his old location. His current signs are leased for 10 years. The leases cannot be broken. It would be a considerable amount of money to get out of the situation. Down the street are Outback Steakhouse and Cracker Barrel which have bigger signs than the ones that he has. He would like to seek variances for his signs.

Commissioner Wolf asked if this board could grant permissions for signage. It was his understanding that it could not. The commission was looking solely at zoning.

Mr. Sikonia said that Mr. Ray was allowed to have 3 signs along I-4. The sign code says that the signs can only be 15 feet above the crown of the road without getting a variance. The applicant is proposing a maximum height of 37' 5". That is in the development order. The Board of Adjustment could grant the variances.

April Boswell stated that this board is considering the approval of the entitlements for the PCD. If the signs are approved this document would allow the signs to go to the maximum height of 37'5". This document does not infer endorsement of the signs.

Commissioner Tucker asked if the applicant would be putting any flags or banners along I-4.

David Ray said that he wanted to bring his existing signs from his previous location.

Commissioner Tucker said that he wanted to know about the temporary use of flags and banners along I-4 that would be distracting to the I-4 traffic.

Mr. Ray said that he would not use them.

Commissioner Tucker asked about the use of a public address system.

Mr. Ray said that he had not addressed that. There would be a PA system and his employees would carry phones with them.

Commissioner Tucker asked April Boswell about the use of the PA system.

Ms. Boswell stated that this application does not build in an approval of a PA system. Outdoor amplification of sound would have to comply with the code. Anything that is outside of what is permitted in the Land Development Code would require an amendment to the PCD to be processed.

Commissioner Tucker said that the sheriff's office found the current code pertaining to noise unenforceable.

Ms. Boswell stated that she was unaware of that.

Commissioner Tucker asked what had been done about sound in the Bill Heard approval.

April Boswell said that she had no detailed knowledge of the case, but that it had been involved with Code Enforcement.

Tina Williamson stated that she had handled the Bill Heard application for use of amplification of sound. They had applied for a major amendment to a PCD to allow a sound system to stay in place. It had been denied.

Mr. Ray asked how they would communicate.

Commissioner Tucker said to use pagers and cell phones.

Commissioner Brown said that the Bill Heard dealership had been denied use of a PA system, but they had put one in anyway. They had come in and asked to use it and were denied. The technology is there to avoid noise.

Mr. Ray said that there are no residential uses nearby.

Commissioner Tucker said that there are homes on the east side of Elder Road.

There were no comments from the audience.

Commissioner Wolf made a motion to recommend approval with the inclusion of the prohibition of outdoor amplification of sound.

Commissioner Eismann seconded the motion.

Commissioner Brodeur said that he would like to be sure that this is consistent with other businesses, such as the Harley Davidson, in the area.

Chairman Brown asked what the Code was on this issue.

April Boswell said that the Code addresses sound a certain level. The Bill Heard denial which was previously mentioned was seeking to have outdoor amplification of sound after it had been forbidden. The application to amend the PCD to allow the outdoor amplification of sound was denied.

The motion passed unanimously (7 – 0).